

Request for Reconsideration:

The Applicant is amending claims 1, 4, 6, 9, 11, 14, 16, 18, 19, 21, and 23. The Applicant also is amended the Abstract. No new matter is added by the foregoing amendments, and these amendments are fully supported by the specification. The Applicant respectfully requests that the Examiner reconsider consider the above-captioned patent application in view of the foregoing amendments and the following remarks.

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Remarks:

1. Summary of the Rejections in the Office Action of October 12, 2004

At page 2, paragraph 1 of the Office Action, the Examiner objected to the Abstract as allegedly including more than 150 words. Moreover, at page 2, paragraph 3 of the Office Action, the Examiner rejects claims 1-24 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by U.S. Patent No. 6,320,947 to Joyce *et al.* ("Joyce").

2. Objections to the Abstract

At page 2, paragraph 1 of the Office Action, the Examiner objected to the Abstract as allegedly including more than 150 words.

The Applicant respectfully TRAVERSES the Examiner's objections to the Abstract, and asserts the following remarks in response:

The Applicant has amended the Abstract to include 147 words, i.e., to include less than 150 words. Therefore, the Applicant respectfully requests that the Examiner withdraw the objection to the Abstract.

3. 35 U.S.C. § 103(a) Rejections

At page 2, paragraph 3 of the Office Action, the Examiner rejects claims 1-24 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Joyce.

The Applicant respectfully TRAVERSES the Examiner's obviousness rejections, and asserts the following remarks in response:

In order for the Examiner to establish a prima facie case for obviousness, three (3) criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as the Examiner proposes. Second, there must be a reasonable expectation of success in connection with the Examiner's proposed combination of the references. And third, the prior art references must disclose or suggest all of the claim limitations. MPEP 2143 (emphasis added). The Applicant maintains that the Examiner fails to establish a prima facie case for obviousness because the Examiner fails to satisfy his burden of showing that the prior art discloses or suggests all of the claimed limitations of claims 1-24.

The Applicant's independent, system claims 1, 6, 21 each describe a system for facilitating processing and disposition of a transaction, comprising "a billing facility configured to permit said [user or users] to establish a billing allocation scheme between a first party and second party to be used to control the billing of services provided within said access controlled environment, and to . . . generate and process billing data based at least on said billing allocation scheme, wherein said billing data indicates a first monetary amount associated with said services, which is to be billed to said first party, and a second monetary amount associated with said services, which is to be billed to said second party." (Emphasis added.) Similarly, the Applicant's independent, method claims 11 and 16 each describe a method for facilitating transaction processing and disposition, comprising the step of at a billing facility, "generating and processing said billing data based at least on said billing allocation scheme, wherein said billing data indicates a first monetary amount

associated with said services, which is to be billed to said first party, and a second monetary amount associated with said services, which is to be billed to said second party.”

For example, as set forth in the Applicant's Description of Related Art, when multiple parties, e.g., at least one defendant and at least one plaintiff in a lawsuit, agree to conduct a transaction via a network, in known transaction processing and disposition systems and methods, expenses may be allocated inequitably. See, e.g., Appl'n, Page 2, Lines 17-24; and Page 17, Lines 9-12. The Applicant's claimed invention addresses this issue through the use of a billing allocation scheme established by an authorized user of the system. Specifically, the parties involved in the transaction may incur monetary charges associated with the use and/or operations of the system, and the amount of these monetary charges that are to be allocated or billed to each of the parties involved in the transaction is determined at least based on the billing allocation scheme. For example, based at least on the billing allocation scheme established by the user, a first party may be charged a first percentage, e.g., 70%, of the total bill associated with the transaction, and a second party may be charged a second percentage, e.g., 30%, of the total bill associated with the transaction.

At page 3, paragraph 2 of the Office Action, the Examiner acknowledges that Joyce does not disclose a billing facility configured to permit a user to establish a billing allocation scheme between a first party and second party to be used to control the billing of services provided within an access controlled environment, and to generate and process billing data based at least on the billing allocation scheme,

wherein the billing data indicates a first monetary amount associated with the services, which is to be billed to the first party, and a second monetary amount associated with the services, which is to be billed to the second party. However, at page 3, paragraph 2 of the Office Action, the Examiner asserts that "Joyce discloses if the PIN access card being utilized to initiate and pay for the Switch Manager™ services is a top-up card, then the communications to the user regarding account balance, insufficient balance, or exhausted balance include an option for the user to add a value to, or 'top-up,' the card and under such circumstances, the user provides a bank account or credit card account number from which the system will, in real time, transfer funds into the user's telephony account." The Examiner also asserts that based on this description of Joyce, it would have been obvious to those of ordinary skill in the art at the time of the invention to modify the system and method described in Joyce to achieve the Applicant's claimed invention. The Applicant respectfully disagrees.

Specifically, in Joyce's system, **there is only one party**, i.e., the user, **whom will ever be billed or charged for any services**, and there can never be any inequitable distribution of expenses between parties involved in a transaction because only the user of the system is ever charged for services (the entity operating or providing the system does not charge itself for services which it provides to the user, and there are no other parties involved in the transaction). Thus, there is no need in Joyce for the user to **establish a billing allocation scheme between at least two parties**, as set forth in the Applicant's claimed invention, since the allocation **always is that 100% of the charges are billed to the user**. Moreover, because the

allocation always is that 100% of the charges are billed to the user, and hence, there is no incentive to allow the user to establish a billing allocation scheme between two parties, those of ordinary skill in the art at the time the invention was made would not have been motivated to modify the system and method described in Joyce to include the Applicant's claimed billing allocation scheme. Therefore, the Applicant respectfully requests that the Examiner withdraw the obviousness rejection of independent claims 1, 6, 11, 16, and 21, and allow the same to issue in a U.S. patent.

Claims 2-5, 7-10, 12-15, 17-20, and 22-24 depend from independent claims 1, 6, 11, 16, and 21, respectively. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious." MPEP 2143.03 (citations omitted). Therefore, the Applicant respectfully requests that the Examiner also withdraw the obviousness rejections of claims 2-5, 7-10, 12-15, 17-20, and 22-24, and allow the same to issue in a U.S. patent.

CONCLUSION

The Applicant respectfully submits that the above-captioned patent application is in condition for allowance, and such action is earnestly requested. If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will in any way expedite the examination of the above-titled patent application, the Examiner is invited to contact the undersigned attorney of record. The Applicant believes that no fees are due as a result of this submission. Nevertheless, in the event of any variance between the fees determined the Applicant and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,

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Dated: 11/18/04

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